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17 **UNITED STATES DISTRICT COURT**  
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19 **NORTHERN DISTRICT OF CALIFORNIA**  
20  
21 **SAN FRANCISCO DIVISION**

22 IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No. 3:23-md-03084-CRB

23 This Document Relates to:

**DECLARATION OF KYLE SMITH  
IN SUPPORT OF DEFENDANTS' PORTION  
OF THE JOINT LETTER REGARDING  
OVERDUE PLAINTIFF FACT SHEETS**

24 All Actions

Judge: Hon. Lisa J. Cisneros  
Courtroom: G – 15th Floor

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**DECLARATION OF KYLE SMITH**

I, Kyle Smith, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of 18 and am a resident of Arlington, Virginia. I respectfully submit this declaration in support of Defendants Uber Technologies, Inc.’s, Rasier, LLC’s, and Rasier-CA, LLC’s (collectively, “Uber’s”) portion of the joint letter brief regarding overdue Plaintiff Fact Sheets.

2. I am a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, representing Uber in this MDL as well as in Judicial Council Coordination Proceeding No. 5188, *In Re: Uber Rideshare Cases*, Case No. CJC-21-005188 (the “JCCP”). I am a member in good standing of the Bar of the District of Columbia Court of Appeals and the Bar of the State of New York Court of Appeals, Third Department. I make this declaration based upon matters within my own personal knowledge. If called as a witness, I could and would competently testify to the matters set forth herein.

3. Uber and Levin Simes LLP (“Levin Simes”) first met and conferred to discuss extending the fact sheet deadlines for Plaintiffs represented by Levin Simes on September 5, 2024. The parties exchanged emails regarding the stipulation on September 6, 2024; September 9, 2024; and September 12, 2024. The parties met and conferred again on September 13, 2024. The parties emailed again on September 13, 2024; September 19, 2024; September 23, 2024; September 24, 2024; September 26, 2024; September 27, 2024; September 30, 2024; October 1, 2024; October 3, 2024; October 14, 2024; October 22, 2024; and October 23, 2024. The parties met and conferred again on October 25, 2024. After exchanging additional written communications on October 30, 2024; October 31, 2024; and November 1, 2024, the parties filed a stipulation on November 1, 2024. Dkt. No. 1819.

4. On November 15, 2024, Uber and Levin Simes met and conferred regarding Plaintiffs who would not be submitting fact sheets in accordance with the November 15 deadline established by the parties' stipulation and the Court's Order adopting that stipulation, Dkt No. 1856. On November 20, 2024, Uber sent Levin Simes a letter regarding 100 Plaintiffs who failed

1 to timely submit Plaintiff Fact Sheets. The parties met and conferred again regarding Plaintiffs  
2 with overdue fact sheets on December 9, 2024. Following these meet and confers, the parties were  
3 unable to resolve the dispute set out in the joint letter.

4 5. Attached to this declaration as **Exhibit A** is a table identifying 84 Plaintiffs  
5 represented by Levin Simes who have failed to timely submit Plaintiff Fact Sheets.

6 6. Attached to this declaration as **Exhibit B** is a true and correct copy of the November  
7 20, 2024 letter Uber sent to Levin Simes regarding 100 Plaintiffs who failed to timely submit  
8 Plaintiff Fact Sheets.

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11 Executed on December 18, 2024, in San Francisco, California.

12 /s/ Kyle Smith

13 Kyle Smith

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